

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

B. BRAUN MELSUNGEN AG &  
B. BRAUN MEDICAL INC.,

Plaintiffs,

v.

TERUMO MEDICAL CORPORATION &  
TERUMO CORPORATION,

Defendants.

Civil Action No. 09-347 (LPS)

**JUDGMENT IN A CIVIL CASE**

Pursuant to the JURY VERDICT of November 22, 2010 (D.I. 341), and the ORDERS of the Court (D.I. 178, 214, 238, 298, 334-335, 356-361, 416, and 417), JUDGMENT is hereby entered in this matter as follows:

IT IS ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of Plaintiffs B. Braun Melsungen AG and B. Braun Medical Inc. (collectively, "Braun"), and against Defendants Terumo Medical Corporation and Terumo Corporation (collectively, "Terumo"), with respect to the infringement of claim 17 of United States Patent No. 7,264,613, and that claim 17 of this patent is not invalid;

IT IS FURTHER ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of Terumo and against Braun with respect to the noninfringement of claims 1, 2, and 8 of United States Patent No. 7,264,613;

IT IS FURTHER ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of Braun and against Terumo with respect to the validity of claims 1, 2, and 8 of United States Patent No. 7,264,613;

IT IS FURTHER ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of Braun and against Terumo with respect to the infringement of claims 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, and 28 of United States Patent No. 7,264,613;

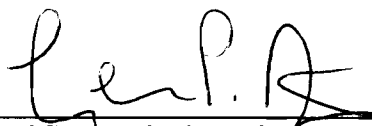
IT IS FURTHER ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of Terumo and against Braun with respect to the invalidity of claims 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, and 28 of United States Patent No. 7,264,613;

IT IS FURTHER ORDERED AND ADJUDGED that Terumo is enjoined from selling the Surshield Safety I.V. Catheter pursuant to the conditions stated in this Court's order of April 21, 2011. (D.I. 417.)

The Court finds that there is no just reason for delay and upon an express direction for the entry of judgment, the Court therefore enters final judgment under Fed. R. Civ. P. 54(b). The issues of damages, willful infringement, ongoing royalties, exceptionality, and all other remedies have yet to be resolved or tried, and there is no final judgment as to these issues.

IT IS FURTHER NOTED that Terumo withdrew its counterclaim for inequitable conduct with prejudice. (D.I. 212.)

IT IS SO ORDERED, this 5<sup>th</sup> day of May, 2011.

  
United States District Judge